

March 27, 2015

Via - Electronic Mail

Molly Smith
Nicole Cantello
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency - Region 5
77 W. Jackson, Blvd.
Chicago, IL 60604

Re: Response to Request for Information Pursuant to Clean Air Act: Thilmany LLC, Expera Specialty Solutions

Dear Ms. Smith and Ms. Cantello:

The purpose of this letter is to respond to Item 1 of the United States Environmental Protection Agency's ("U.S. EPA" or the "Agency") letter from George Czerniak, dated March 13, 2015, requesting certain information pursuant to Section 114 of the Clean Air Act concerning Expera Specialty Solutions' ("Expera's" or the "Company's") facility in Kaukauna, Wisconsin (the "Information Request"). This Information Request was received by Expera on March 19, 2015.

Item 1 of the Information Request provides as follows:

Within 10 days of receipt of this request, Expera shall submit a written certification of its intent to comply with this request. Expera shall submit the certification to smith.molly@epa.gov, cantello.nicole@epa.gov and R5enforcement@epa.gov.

Expera objects to this request to the extent that it is vague and ambiguous. It is not clear what constitutes a "certification," or what is meant by "intent to comply." Moreover the timeframe for this response is unreasonable. Expera only received this request, which contains 34 individual requests and seeks extensive information, in some instances over a 5-year period, on March 19, 2015. The Company has not had an opportunity to evaluate the individual requests to determine whether the requested information is available.

Moreover, there are limitations on U.S. EPA's authority to request information under § 114(a). A federal agency is authorized only to request information reasonably relevant to the agency's enforcement and compliance interests and the demand for information cannot be too indefinite. *United States v. Morton Salt Co.* 338 U.S. 632, 652 (1950). In this instance, Expera has not had sufficient time to determine whether the requests are within U.S. EPA's § 114 authority. This review is ongoing.

Subject to and without waiving these objections, Expera certifies that it intends to respond to the Information Request to the extent it is legally required to do so and the requests are within U.S. EPA's authority under § 114(a). Expera specifically reserves the right to object to any requests that are not legally



required or that exceed U.S. EPA's authority under § 114(a). Additionally, Expera will require an extension of time to respond, and its certification is conditioned on the grant of reasonable extension. Our counsel, Cynthia Faur at Quarles and Brady LLP, will be contacting you within the next few days to discuss a receipt of a reasonable extension of time to respond to the Information Request.

Attached is the Certification of Responsible Official that is being submitted with this letter in accordance with your Information Request. Also, for your records, Keith Morgan is no longer with Expera. Please address future correspondence concerning the Kaukauna facility to Lee R. Hammen. If you have any questions concerning this response, please do not hesitate to contact Mark Nessmann at 920-766-8235.

Sincerely,

A handwritten signature in dark ink that reads "Lee R. Hammen". The signature is written in a cursive, flowing style.

Lee R. Hammen
Mill Manager

cc: R5enforcement@epa.gov
Steve Myers
Mark Nessmann
Cynthia A. Faur, Quarles and Brady LLP



Certification of Responsible Official

I certify under penalty of law that I have examined and am familiar with the information in this letter. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to sections 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

By: Lee R. Hammer

Title: MILL MANAGER

Date: MARCH 27, 2015

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